



Office of Water Resources  
1201 Greenbrier Street  
Charleston, WV 25311-1088  
Telephone 304-558-4086 or 558-8855  
Fax 304-558-5903

## West Virginia Division of Environmental Protection

Cecil H. Underwood  
Governor

Michael P. Miano  
Director

**TO:** Inco Alloys International, Incorporated  
Post Office Box 1958  
Huntington West Virginia, 25720

### CERTIFIED RETURN RECEIPT REQUESTED

**ORDER NUMBER:** 4165

**DATE:** April 16, 1999

The following FINDINGS are made and ORDER issued pursuant to the authority vested in the Chief of the Office of Water Resources (OWR) under Chapter 22, Article 11 and 12 of the West Virginia Code.

### **FINDINGS OF FACTS**

- 1) Inco Alloys International, Incorporated owns, monitors, and operates a tailings impoundment located in Huntington, West Virginia which discharges pollutants to the waters of the state.
- 2) The facility has two discharge outlets. Outlet 001 discharges storm water from in and around the main plant operations. Outlet 002 discharges storm water runoff from the tailings impoundment area. These outlets discharge to Pats Branch which is on West Virginia's 1998 Impaired Stream List as is required by Section 303 (d) of the Clean Water Act. Pats Branch is listed as impaired due to Fluoride and Copper concentration.
- 3) On April 14, 1995, Inco Alloys International, Incorporated was issued Registration Number WVG610403 for coverage under WV/ NPDES Water Pollution Control Permit Number WV0111457, General Permit for Storm water Associated with Industrial Activity.
- 4) On July 29, 1996, Inco Alloys International, Incorporated submitted Application Number WV0114618 to obtain an NPDES Permit to allow for the continued operations of its tailings Impoundment and to cover the storm water discharges associated with its main plant area. This application contained discharge information describing Outlet 001.
- 5) On April 16, 1999 the Office of Water Resources issued WV NPDES Water Pollution

Control Permit Number WV0114618 to Inco Alloys International, Incorporated to allow for the continued operation of the tailings impoundment and for the discharge of storm water associated with industrial activity. Said Permit has an effective date of May 16, 1999 and required compliance with the final effluent limitations.

6) A review of the Discharge Monitoring Reports (from 11/2/95 through 6/9/98) revealed that Inco Alloys International, Incorporated has difficulty meeting the newly proposed Water Quality Based limits for fluoride, copper.

7) In consideration of the above, this ORDER imposes immediately; 1) interim monitoring requirements for Outlet 001 and 002; and 2) a compliance schedule for achieving and reporting Inco Alloys International, Incorporated's actions that will lead to compliance with the effluent limitations and hence compliance with applicable state regulations and the Federal Clean Water Act.

### ORDER OF COMPLIANCE

And Now this the 16th day of April, 1999, Inco Alloys International, Incorporated is hereby ordered to do the following:

1) Adhere to the following compliance schedule:

#### DATE

#### ACTION

a) On or before July 16, 1999

Submit a plan for taking such actions as may be necessary to comply with the permitted effluent limitations.

b) On or before October 16, 1999

Submit complete design measures to be implemented to provide the necessary changes for compliance with permit effluent limitations.

c) On or before May 16, 2000

Achieve full compliance with effluent limitations as specified in Section A.5 of the Permit or otherwise obtain necessary relief.

2) Immediately comply with requirements specified in "Attachment A".

Compliance with the terms and conditions of this ORDER shall not be construed to relieve Inco Alloys International, Incorporated of the obligation to comply with the terms and conditions of its WV/NPDES Water Pollution Control Permit, or any applicable Federal, State, or local law. Violation of this ORDER is a violation of the West Virginia Code, Chapter 22, Article 11, and may result in further enforcement action as outlined in the Act.

ORDER NUMBER: 4165  
April 16, 1999  
Page 3

This ORDER shall become effective upon the effective date of Permit Number WV0114618.



---

Barbara S. Taylor  
Chief

BST:dlc  
Attachments

### A.3. Discharge Limitations and Monitoring Requirements

During the period beginning May 16, 1999 and lasting through midnight May 16, 2000 the permittee is authorized to discharge from outlet number(s) 001 and 002

Such discharge shall be limited to and monitored by the permittee as specified below:

| <u>Effluent Characteristic</u>   | <u>Discharge Limitations</u>                     |                   |   |                   | <u>Monitoring Requirements</u> |                              |                    |
|----------------------------------|--|-------------------|---|-------------------|--------------------------------|------------------------------|--------------------|
|                                  | <u>(Quantity) lbs/day</u><br><u>Avg. Monthly</u> | <u>Max. Daily</u> | <u>Other units (Specify)</u><br><u>Avg. Monthly</u> | <u>Max. Daily</u> |                                | <u>Measurement Frequency</u> | <u>Sample Type</u> |
| Flow                             | N/A  | N/A               | N/A   | monitor           | MGD                            | semi-annual*                 | estimated          |
| T. Ammonia                       | N/A  | N/A               | N/A   | monitor           | mg/l                           | semi-annual*                 | grab               |
| Biological Oxygen Demand (5 day) | N/A  | N/A               | N/A   | monitor           | mg/l                           | semi-annual*                 | grab               |
| Chemical Oxygen Demand           | N/A  | N/A               | N/A   | monitor           | mg/l                           | semi-annual*                 | grab               |
| Hardness                         | N/A  | N/A               | N/A   | monitor           | mg/l                           | semi-annual*                 | grab               |
| Hexavalent Chromium              | N/A  | N/A               | N/A   | monitor           | ug/l                           | semi-annual*                 | grab               |
| Temperature                      | N/A  | N/A               | N/A   | monitor           | °F                             | semi-annual*                 | grab               |
| Total Copper                     | N/A  | N/A               | N/A   | monitor           | ug/l                           | semi-annual*                 | grab               |
| Total Fluoride                   | N/A  | N/A               | N/A   | monitor           | mg/l                           | semi-annual*                 | grab               |
| Total Nickel                     | N/A  | N/A               | N/A   | monitor           | ug/l                           | semi-annual*                 | grab               |
| Total Suspended solids           | N/A  | N/A               | N/A   | monitor           | mg/l                           | semi-annual*                 | grab               |

The pH shall not be less than N/A standard units and not more than N/A standard units and shall be monitored semi-annual upon occurance utilizing grab sample.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following Location(s): 001 a manhole located near the center of the tailings storage area, and 002, drainage ditch that collects run off from the tailings impoundment area.

This discharge shall not cause violation of Title 46, Series 1, Section 3, of the West Virginia Legislative Rules issued pursuant to Chapter 22B, Article 3.

**Attachment A**  
**Date:** May 16, 1999

**STATE OF WEST VIRGINIA  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
DISCHARGE MONITORING REPORT**

FACILITY NAME Inco Alloys International Incorporated

COMMERCIAL LABORATORY NAME \_\_\_\_\_

LOCATION OF FACILITY Tailings Impoundment

COMMERCIAL LABORATORY ADDRESS \_\_\_\_\_

ORDER NUMBER WV0114618 OUTLET NO. 002

WASTELOAD FOR MONTH OF \_\_\_\_\_ 19 \_\_\_\_\_

INDIVIDUAL PERFORMING ANALYSIS \_\_\_\_\_

| Parameter                 |                  | Quantity |             |           |       |     | Other Units |             |           |       |     | Measurement Frequency | Sample Type |  |
|---------------------------|------------------|----------|-------------|-----------|-------|-----|-------------|-------------|-----------|-------|-----|-----------------------|-------------|--|
|                           |                  | Minimum  | Avg Monthly | Max Daily | Units | N E | Minimum     | Avg Monthly | Max Daily | Units | N E |                       |             |  |
| pH<br>00400               | Reported         |          |             |           |       |     |             |             |           |       |     |                       |             |  |
|                           | ORDER Limitation | N/A      | N/A         | N/A       |       |     | Monitor     | N/A         | Monitor   | S U   |     | Semi-annual*          | Grab        |  |
| Flow<br>50050             | Reported         |          |             |           |       |     |             |             |           |       |     |                       |             |  |
|                           | ORDER Limitation | N/A      | N/A         | N/A       |       |     | N/A         | N/A         | Monitor   | MGD   |     | Semi-annual*          | Estimate    |  |
| T. Ammonia<br>00610       | Reported         |          |             |           |       |     |             |             |           |       |     |                       |             |  |
|                           | ORDER Limitation | N/A      | N/A         | N/A       |       |     | N/A         | N/A         | Monitor   | mg/l  |     | Semi-annual*          | Grab        |  |
| BOD <sub>5</sub><br>00310 | Reported         |          |             |           |       |     |             |             |           |       |     |                       |             |  |
|                           | ORDER Limitation | N/A      | N/A         | N/A       |       |     | N/A         | N/A         | Monitor   | mg/l  |     | Semi-annual*          | Grab        |  |
| COD<br>00340              | Reported         |          |             |           |       |     |             |             |           |       |     |                       |             |  |
|                           | ORDER Limitation | N/A      | N/A         | N/A       |       |     | N/A         | N/A         | Monitor   | mg/l  |     | Semi-annual*          | Grab        |  |
| Hardness<br>00900         | Reported         |          |             |           |       |     |             |             |           |       |     |                       |             |  |
|                           | ORDER Limitation | N/A      | N/A         | N/A       |       |     | N/A         | N/A         | Monitor   | mg/l  |     | Semi-annual*          | Grab        |  |
| Hex. Chromium<br>01032    | Reported         |          |             |           |       |     |             |             |           |       |     |                       |             |  |
|                           | ORDER Limitation | N/A      | N/A         | N/A       |       |     | N/A         | N/A         | Monitor   | ug/l  |     | Semi-annual*          | Grab        |  |

Name of Principal Exec. Officer \_\_\_\_\_

Title of Officer \_\_\_\_\_

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Date Completed \_\_\_\_\_

Signature of Principal Exec. Officer or Auth. Agent \_\_\_\_\_

\* Upon Occurrence

**STATE OF WEST VIRGINIA  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
DISCHARGE MONITORING REPORT**

FACILITY NAME Inco Alloys International Incorporated

COMMERCIAL LABORATORY NAME \_\_\_\_\_

LOCATION OF FACILITY Tailings Impoundment

COMMERCIAL LABORATORY ADDRESS \_\_\_\_\_

ORDER NUMBER WV0114618 OUTLET NO. 002

WASTELOAD FOR MONTH OF \_\_\_\_\_ 19 \_\_\_\_\_

INDIVIDUAL PERFORMING ANALYSIS \_\_\_\_\_

| Parameter            |                  | Quantity |             |           |       |      | Other Units |             |           |       |      | Measurement Frequency | Sample Type |  |
|----------------------|------------------|----------|-------------|-----------|-------|------|-------------|-------------|-----------|-------|------|-----------------------|-------------|--|
|                      |                  | Minimum  | Avg Monthly | Max Daily | Units | N.E. | Minimum     | Avg Monthly | Max Daily | Units | N.E. |                       |             |  |
| Temperature<br>00011 | Reported         |          |             |           |       |      |             |             |           |       |      |                       |             |  |
|                      | ORDER Limitation | N/A      | N/A         | N/A       |       |      | Monitor     | N/A         | Monitor   | *F    |      | Semi-annual*          | Grab        |  |
| T. Copper<br>01042   | Reported         |          |             |           |       |      |             |             |           | ug/l  |      |                       |             |  |
|                      | ORDER Limitation | N/A      | N/A         | N/A       |       |      | N/          | N/A         | Monitor   |       |      | Semi-annual*          | grab        |  |
| T. Fluoride<br>00951 | Reported         |          |             |           |       |      |             |             |           | mg/l  |      |                       |             |  |
|                      | ORDER Limitation | N/A      | N/A         | N/A       |       |      | N/A         | N/A         | Monitor   |       |      | Semi-annual*          | Grab        |  |
| T. Nickel<br>01067   | Reported         |          |             |           |       |      |             |             |           | ug/l  |      |                       |             |  |
|                      | ORDER Limitation | N/A      | N/A         | N/A       |       |      | N/A         | N/A         | Monitor   |       |      | Semi-annual*          | Grab        |  |
| TSS<br>00530         | Reported         |          |             |           |       |      |             |             |           | mg/l  |      |                       |             |  |
|                      | ORDER Limitation | N/A      | N/A         | N/A       |       |      | N/A         | N/A         | Monitor   |       |      | Semi-annual*          | Grab        |  |
|                      | Reported         |          |             |           |       |      |             |             |           |       |      |                       |             |  |
|                      | ORDER Limitation |          |             |           |       |      |             |             |           |       |      |                       |             |  |
|                      | Reported         |          |             |           |       |      |             |             |           |       |      |                       |             |  |
|                      | ORDER Limitation |          |             |           |       |      |             |             |           |       |      |                       |             |  |

Name of Principal Exec. Officer \_\_\_\_\_

Title of Officer \_\_\_\_\_

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Date Completed \_\_\_\_\_

Signature of Principal Exec. Officer or Auth. Agent \_\_\_\_\_

\* Upon Occurrence

**STATE OF WEST VIRGINIA  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
DISCHARGE MONITORING REPORT**

FACILITY NAME Inco Alloys International Incorporated COMMERCIAL LABORATORY NAME \_\_\_\_\_

LOCATION OF FACILITY Tailings Impoundment COMMERCIAL LABORATORY ADDRESS \_\_\_\_\_

ORDER NUMBER WV0114618 OUTLET NO. 001 \_\_\_\_\_

WASTELOAD FOR MONTH OF \_\_\_\_\_ 19 \_\_\_\_\_ INDIVIDUAL PERFORMING ANALYSIS \_\_\_\_\_

| Parameter            |                  | Quantity |             |           |       |     | Other Units |             |           |       |     | Measurement Frequency | Sample Type |  |
|----------------------|------------------|----------|-------------|-----------|-------|-----|-------------|-------------|-----------|-------|-----|-----------------------|-------------|--|
|                      |                  | Minimum  | Avg Monthly | Max Daily | Units | N E | Minimum     | Avg Monthly | Max Daily | Units | N E |                       |             |  |
| Temperature<br>00011 | Reported         |          |             |           |       |     |             |             |           |       |     |                       |             |  |
|                      | ORDER Limitation | N/A      | N/A         | N/A       |       |     | Monitor     | N/A         | Monitor   | *F    |     | Semi-annual*          | Grab        |  |
| T. Copper<br>01042   | Reported         |          |             |           |       |     |             |             |           | ug/l  |     |                       |             |  |
|                      | ORDER Limitation | N/A      | N/A         | N/A       |       |     | N/          | N/A         | Monitor   |       |     | Semi-annual*          | grab        |  |
| T. Fluoride<br>00951 | Reported         |          |             |           |       |     |             |             |           | mg/l  |     |                       |             |  |
|                      | ORDER Limitation | N/A      | N/A         | N/A       |       |     | N/A         | N/A         | Monitor   |       |     | Semi-annual*          | Grab        |  |
| T. Nickel<br>01067   | Reported         |          |             |           |       |     |             |             |           | ug/l  |     |                       |             |  |
|                      | ORDER Limitation | N/A      | N/A         | N/A       |       |     | N/A         | N/A         | Monitor   |       |     | Semi-annual*          | Grab        |  |
| TSS<br>00530         | Reported         |          |             |           |       |     |             |             |           | mg/l  |     |                       |             |  |
|                      | ORDER Limitation | N/A      | N/A         | N/A       |       |     | N/A         | N/A         | Monitor   |       |     | Semi-annual*          | Grab        |  |
|                      | Reported         |          |             |           |       |     |             |             |           |       |     |                       |             |  |
|                      | ORDER Limitation |          |             |           |       |     |             |             |           |       |     |                       |             |  |
|                      | Reported         |          |             |           |       |     |             |             |           |       |     |                       |             |  |
|                      | ORDER Limitation |          |             |           |       |     |             |             |           |       |     |                       |             |  |

Name of Principal Exec. Officer \_\_\_\_\_

Title of Officer \_\_\_\_\_

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Date Completed \_\_\_\_\_

Signature of Principal Exec. Officer or Auth. Agent \_\_\_\_\_

\* Upon Occurrence



**STATE OF WEST VIRGINIA  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
DISCHARGE MONITORING REPORT**

FACILITY NAME Inco Alloys International Incorporated

COMMERCIAL LABORATORY NAME \_\_\_\_\_

LOCATION OF FACILITY Tailings Impoundment

COMMERCIAL LABORATORY ADDRESS \_\_\_\_\_

ORDER NUMBER WV0114618 OUTLET NO. 001

WASTELOAD FOR MONTH OF \_\_\_\_\_ 19\_\_\_\_

INDIVIDUAL PERFORMING ANALYSIS \_\_\_\_\_

| Parameter                       |                  | Quantity   |             |           |       |     | Other Units |             |           |       |     | Measurement Frequency                               | Sample Type |  |
|---------------------------------|------------------|--|-------------|-----------|-------|-----|-------------|-------------|-----------|-------|-----|---|-------------|--|
|                                 |                  | Minimum  | Avg Monthly | Max Daily | Units | N E | Minimum     | Avg Monthly | Max Daily | Units | N E |   |             |  |
| pH<br>00400                     | Reported         |  |             |           |       |     |             |             |           |       |     |   |             |  |
|                                 | ORDER Limitation | N/A  | N/A         | N/A       |       |     | Monitor     | N/A         | Monitor   | S U.  |     | Semi-annual*  | Grab        |  |
| Flow<br>50050                   | Reported         |  |             |           |       |     |             |             |           |       |     |   |             |  |
|                                 | ORDER Limitation | N/A  | N/A         | N/A       |       |     | N/A         | N/A         | Monitor   | MGD   |     | Semi-annual*  | Estimate    |  |
| T. Ammonia<br>00610             | Reported         |  |             |           |       |     |             |             |           |       |     |   |             |  |
|                                 | ORDER Limitation | N/A  | N/A         | N/A       |       |     | N/A         | N/A         | Monitor   | mg/l  |     | Semi-annual*  | Grab        |  |
| BOD <sub>5</sub><br>00310       | Reported         |  |             |           |       |     |             |             |           |       |     |   |             |  |
|                                 | ORDER Limitation | N/A  | N/A         | N/A       |       |     | N/A         | N/A         | Monitor   | mg/l  |     | Semi-annual*  | Grab        |  |
| COD<br>00340                    | Reported         |  |             |           |       |     |             |             |           |       |     |   |             |  |
|                                 | ORDER Limitation | N/A  | N/A         | N/A       |       |     | N/A         | N/A         | Monitor   | mg/l  |     | Semi-annual*  | Grab        |  |
| Hardness<br>00900               | Reported         |  |             |           |       |     |             |             |           |       |     |   |             |  |
|                                 | ORDER Limitation | N/A  | N/A         | N/A       |       |     | N/A         | N/A         | Monitor   | mg/l  |     | Semi-annual*  | Grab        |  |
| Hex. Chromium<br>01032          | Reported         |  |             |           |       |     |             |             |           |       |     |   |             |  |
|                                 | ORDER Limitation | N/A  | N/A         | N/A       |       |     | N/A         | N/A         | Monitor   | ug/l  |     | Semi-annual*  | Grab        |  |
| Name of Principal Exec. Officer |                  | <p>I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.</p> |             |           |       |     |             |             |           |       |     | Date Completed                                      |             |  |
| Title of Officer                |                  |  |             |           |       |     |             |             |           |       |     | Signature of Principal Exec. Officer or Auth. Agent |             |  |
|                                 |                  |  |             |           |       |     |             |             |           |       |     |   |             |  |
|                                 |                  |  |             |           |       |     |             |             |           |       |     |   |             |  |

\* Upon Occurrence